

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:
LeMar Allen Bowers
Debtor(s)

BCN#: 19-33915-KRH
Chapter: 13

NOTICE OF MOTION (OR OBJECTION)

Carrington Mortgage Services, LLC has filed papers with the court objecting to the confirmation of the proposed Chapter 13 plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the Objection, or if you want the court to consider your views on the objection Objection, then on or before September 24, 2019, you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

U.S. Bankruptcy Court
701 East Broad Street,
Room 5000
Richmond, VA 23219

You must also send a copy to:

Gregory N. Britto, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
Mary F. Balthasar Lake, Esquire
Nicole McKenzie, Esquire
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320

(703) 449-5800

- Attend a hearing to be scheduled on October 9, 2019, at 11:10 am at Judge Huennekens' Courtroom, 701 E. Broad St., Rm. 5000, Richmond, Virginia. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: _09/30/2019

SHAPIRO & BROWN, LLP
Attorneys for Carrington Mortgage Services, LLC

By: /s/ Mary F. Balthasar Lake
Gregory N. Britto, Esquire
VSB #23476
Malcolm B. Savage, III, Esquire
VSB #91050
William M. Savage, Esquire
VSB #26155
Thomas J. Gartner, Esquire
VSB #79340
Mary F. Balthasar Lake, Esquire
VSB #34899
Nicole McKenzie, Esquire
VSB #93990
SHAPIRO & BROWN, LLP
501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800

CERTIFICATE OF SERVICE

I certify that I have this 30th day of September, 2019, electronically transmitted and/or mailed by first class mail, postage pre-paid or hand-delivered a true copy of the foregoing Notice of Motion (or Objection) to the following:

James E. Kane
Kane & Papa, PC
1313 East Cary Street, PO Box 508
Richmond, VA 23218-0508

Carl M. Bates
P. O. Box 1819
Richmond, VA 23218

LeMar Allen Bowers
10250 Scots Landing Road
Mechanicsville, VA 23116

/s/ Mary F. Balthasar Lake

Gregory N. Britto, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
Mary F. Balthasar Lake, Esquire
Nicole McKenzie, Esquire

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Mary F. Balthasar Lake, Esquire
Nicole McKenzie, Esquire
Shapiro & Brown, LLP Attorney for
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501 Independence Parkway, Suite 203
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

IN RE:
LeMar Allen Bowers
Debtor(s)

BCN#: 19-33915-KRH
Chapter: 13

OBJECTION OF CARRINGTON MORTGAGE SERVICES, LLC
TO PROPOSED CHAPTER 13 PLAN AND
CONFIRMATION THEREOF

Carrington Mortgage Services, LLC, and its assignees and/or successors in interest, a secured creditor in the above-entitled Bankruptcy proceeding, hereby submits the following objections to the confirmation of the Chapter 13 Plan proposed by Debtor:

1. This objecting secured creditor is the beneficiary of a trust deed on property commonly known as 1204 ALCINDOR RD, Portsmouth, VA 23701; the promissory note and deed of trust were attached to the proof of claim filed by the secured creditor.
2. The debtor is due for pre-petition arrearages in the amount of \$49,501.36, as set forth in this secured creditor's proof of claim.
3. The proposed Plan does not set forth a reasonable schedule and time period for the payment of arrearages on the deed of trust. The plan states that the arrearages are to be cured by loan modification, but there are no timeframes in the plan for when the loan modification will be completed. There are also no provisions in the plan for if the debtor's pursuit of a loan modification is not successful.
4. The proposed Chapter 13 plan does not provide this objecting secured creditor with adequate protection or adequate security, according to Sections 362 and 1325(a) of the Code.
5. As indicated by the debtor's payment history and schedules, the Plan is not feasible.
6. The Plan does not propose to pay the secured creditor's entire claim as shown in its proof of claim.

CONCLUSION

Any Chapter 13 Plan proposed by Debtors must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this objecting secured creditor. It is respectfully requested that confirmation of the Chapter 13 Plan as proposed by Debtor be denied.

WHEREFORE, secured creditor prays as follows:

1. That confirmation of the proposed Chapter 13 Plan be denied.
2. For attorney's fees and costs incurred herein.
3. That a hearing be held October 9, 2019, at 11:10 am at Judge Huennekens' Courtroom, 701 E. Broad St., Rm. 5000, Richmond, Virginia on this objection.
4. For such other relief as this Court deems proper.

Dated: 09/30/2019

Respectfully submitted
Carrington Mortgage Services, LLC
By Counsel:
/s/ Mary F. Balthasar Lake

Gregory N. Britto, Esquire
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Thomas J. Gartner, Esquire
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501 Independence Parkway, Suite 203
Chesapeake, Virginia 23320
(703) 449-5800

I certify that I have electronically transmitted and/or mailed true copies of the above Objections to the Chapter 13 Plan, by First Class Mail, postage prepaid on this 30th day of September, 2019 to the following:

James E. Kane
Kane & Papa, PC
1313 East Cary Street, PO Box 508
Richmond, VA 23218-0508

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